

## **Enclosure C**

### **SPECIAL CONDITIONS**

#### **1. Basis for Requiring Special Conditions**

The requirements that States ensure that children with disabilities participate in State and district-wide assessment systems; develop and administer alternate assessments, if necessary; and report publicly on the participation and performance of children with disabilities in State and district-wide assessments are crucial to ensuring that children with disabilities are provided access to high-quality instruction in the general curriculum, and that States and districts are held accountable for the progress of these children. 20 U.S.C. 1412(a)(16)-(17); 34 CFR §§300.137-300.139. The requirements regarding performance goals and indicators and the participation of children with disabilities in, and reporting on participation and performance of children with disabilities in regular assessments have been in effect since July 1, 1998; the requirements regarding reporting on alternate assessments have been in effect since July 1, 2000. According to the information reported to the Department in the Biennial Performance Report for the 2000-2001 school year, Maine is not reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments in the same frequency as for nondisabled children, as required by Part B of the Individuals with Disabilities Education Act (IDEA).

Therefore, Maine has not complied with all the terms and conditions of the Federal Fiscal Year 2001 awards under Part B of IDEA. Under the authority of the Education Department General Administrative Regulations, 34 CFR §80.12, the Department is imposing these Special Conditions on Maine's Federal Fiscal Year 2002 awards under Part B of the IDEA.

#### **2. Nature of the Special Conditions**

By May 30, 2003, Maine must demonstrate that it is reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a).

a. By September 30, 2002, Maine will submit a plan detailing the steps and timelines for reporting publicly and to the Secretary on the participation and performance of children with disabilities in alternate assessments by May 30, 2003. The plan must ensure that students with disabilities, including students who take the alternate assessment, are assessed in the same grades as non-disabled students and that their participation in such assessments and the results of their assessments are reported in the same frequency and detail as non-disabled students.

b. Maine will submit progress reports on November 29, 2002, January 31, 2003, March 28, 2003 and the final submission due on May 30, 2003. The final submission that includes information on reporting publicly on the participation and performance of

children with disabilities in alternate assessments is to be submitted on the Biennial Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>.)

**3. Evidence Necessary for Conditions To Be Removed**

The Department will remove the special conditions if, at any time prior to the expiration of the grant year, Maine provides documentation, satisfactory to the Department, that it has fully met the requirements to report publicly on the participation and performance of children with disabilities in alternate assessments. This information is to be submitted on the Biennial Performance Report format provided by OSEP. (This format is available at <http://www.ed.gov/offices/OSERS/OSEP/Monitoring/>.)

**4. Method of Requesting Reconsideration**

The State can write to Assistant Secretary Robert H. Pasternack if it wishes the Department to reconsider any aspect of these Special Conditions. Any request of this sort should describe in detail the changes to the Special Conditions sought by the State and the reasons for those requested changes.

**5. Submission of Reports**

All reports that are required to be submitted by Maine to the Department under the Special Conditions should be submitted to:

Samara Goodman  
Office of Special Education Programs  
400 Maryland SW  
MES-3627  
Washington, DC 20202